



Reprinted
March 4, 2003

HOUSE BILL No. 1098

DIGEST OF HB 1098 (Updated March 3, 2003 6:52 PM - DI 75)

Citations Affected: IC 3-9.

Synopsis: Identity of persons making political contributions. Requires a political committee to report certain information relating to persons other than individuals, corporations, labor organizations, and political action committees that make contributions or loans to the committee. Provides that after December 31, 2003, political contribution limits currently applicable to corporations and labor organizations will apply to all persons except individuals, political committees, and political action committees.

Effective: July 1, 2003.

Mahern

January 7, 2003, read first time and referred to Committee on Elections and Apportionment.

February 20, 2003, amended, reported — Do Pass.

February 25, 2003, read second time, amended; call withdrawn.

February 27, 2003, read second time, call withdrawn.

March 3, 2003, read second time, amended, ordered engrossed.

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HB 1098—LS 6884/DI 75+



Reprinted
March 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1098

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-9-2-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a)** During a year **before**
3 **January 1, 2004**, a corporation or labor organization may not make
4 total contributions in excess of:

5 (1) an aggregate of five thousand dollars (\$5,000) apportioned in
6 any manner among all candidates for state offices (including a
7 judge of the court of appeals whose retention in office is voted on
8 by a district that does not include all of Indiana);

9 (2) an aggregate of five thousand dollars (\$5,000) apportioned in
10 any manner among all state committees of political parties;

11 (3) an aggregate of two thousand dollars (\$2,000) apportioned in
12 any manner among all candidates for the senate of the general
13 assembly;

14 (4) an aggregate of two thousand dollars (\$2,000) apportioned in
15 any manner among all candidates for the house of representatives
16 of the general assembly;

17 (5) an aggregate of two thousand dollars (\$2,000) apportioned in

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any manner among regular party committees organized by a legislative caucus of the senate of the general assembly;

(6) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the house of representatives of the general assembly;

(7) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for school board offices and local offices; and

(8) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all central committees other than state committees.

(b) This subsection applies to a person other than an individual, a candidate's committee, a regular party committee, a legislative caucus committee, or a political action committee. After December 31, 2003, a person may not make total contributions in excess of:

(1) an aggregate of five thousand dollars (\$5,000) apportioned in any manner among all candidates for state offices (including a judge of the court of appeals whose retention in office is voted on by a district that does not include all of Indiana);

(2) an aggregate of five thousand dollars (\$5,000) apportioned in any manner among all state committees of political parties;

(3) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for the senate of the general assembly;

(4) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for the house of representatives of the general assembly;

(5) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the senate of the general assembly;

(6) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the house of representatives of the general assembly;

(7) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for school board offices and local offices; and

(8) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all central committees other than state committees.



SECTION 2. IC 3-9-5-14, AS AMENDED BY P.L.176-1999, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) As used in this section, "threshold contribution amount" refers to the following:

(1) For contributions made to a candidate's committee, a legislative caucus committee, or a political action committee, one hundred dollars (\$100).

(2) For contributions made to a regular party committee, two hundred dollars (\$200).

(b) The report of each committee's treasurer must disclose the following:

(1) The amount of cash on hand and the value of any investments made by the committee at the beginning of the reporting period.

(2) The total sum of individual contributions including transfers-in, accepted by the committee during its reporting period.

(3) The following information regarding each person who has made one (1) or more contributions within the year, in an aggregate amount that exceeds the threshold contribution amount in actual value to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events:

(A) The full name of the person.

(B) The full mailing address of the person making the contribution.

(C) The person's occupation, if the person is an individual who has made contributions to the committee of at least one thousand dollars (\$1,000) during the calendar year.

(D) The date and amount of each contribution.

(E) If the person is a person other than an individual, a corporation, a labor organization, or a political action committee, the information required by section 14.5 of this chapter.

(4) The name and address of each committee from which the reporting committee received, or to which that committee made, a transfer of funds, together with the amounts and dates of all transfers.

(5) If the reporting committee is a candidate's committee, the following information about each other committee that has reported expenditures to the reporting candidate's committee under section 15 of this chapter:

(A) The name and address of the other committee.

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- 1 (B) The amount of expenditures reported by the other
2 committee.
- 3 (C) The date of the expenditures reported by the other
4 committee.
- 5 (D) The purpose of the expenditures reported by the other
6 committee.
- 7 (6) Each loan to or from a person within the reporting period
8 together with the following information:
- 9 (A) The full names and mailing addresses of the lender and
10 endorsers, if any.
- 11 (B) The person's occupation, if the person is an individual who
12 has made loans of at least one thousand dollars (\$1,000) to the
13 committee during the calendar year.
- 14 (C) The date and amount of the loans.
- 15 **(D) If the loan is from a person other than an individual, a**
16 **corporation, a labor organization, or a political action**
17 **committee, the information required by section 14.5 of this**
18 **chapter.**
- 19 (7) The total sum of all receipts of the committee during the
20 reporting period.
- 21 (8) The full name, mailing address, occupation, and principal
22 place of business, if any, of each person other than a committee
23 to whom an expenditure was made by the committee or on behalf
24 of the committee within the year in an aggregate amount that:
- 25 (A) exceeds one hundred dollars (\$100), in the case of a
26 candidate's committee, legislative caucus committee, or
27 political action committee; or
- 28 (B) exceeds two hundred dollars (\$200), in the case of a
29 regular party committee.
- 30 (9) The name, address, and office sought by each candidate for
31 whom any expenditure was made or a statement identifying the
32 public question for which any expenditure was made, including
33 the amount, date, and purpose of each expenditure.
- 34 (10) The full name, mailing address, occupation, and principal
35 place of business, if any, of each person to whom an expenditure
36 for personal services, salaries, or reimbursed expenses was made
37 within the year in an aggregate amount that:
- 38 (A) exceeds one hundred dollars (\$100), in the case of a
39 candidate's committee, legislative caucus committee, or
40 political action committee; or
- 41 (B) exceeds two hundred dollars (\$200), in the case of a
42 regular party committee;

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and that is not otherwise reported, including the amount, date, and purpose of the expenditure.

(11) The total sum of expenditures made by the committee during the reporting period.

(12) The amount and nature of debts owed by or to the committee, and a continuous reporting of the debts after the election at the times required under this article until the debts are extinguished.

(c) If a committee:

(1) obtains a contribution;

(2) determines that the contribution should not be accepted by the committee; and

(3) does not receive and accept the contribution under IC 3-9-1-25(b);

the committee must return the contribution to the person who made the contribution. A returned contribution is not required to be listed on the report of the committee's treasurer. However, if the committee receives and deposits the contribution under IC 3-9-1-25(b) and subsequently determines that the contribution should be refunded, the receipt and refund of the contribution must be listed on the report of the committee's treasurer.

SECTION 3. IC 3-9-5-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 14.5. (a) This section applies to a person:**

(1) other than an individual, a corporation, a labor organization, or a political action committee; and

(2) that makes a contribution.

(b) For purposes of this section, an individual is considered to have an interest in a person that makes a contribution or extends a loan if either of the following applies to the individual:

(1) The individual holds at least a five percent (5%) interest in the person that makes the contribution or extends the loan.

(2) The individual has authority to make a contribution or extend a loan on behalf of the person that makes the contribution or extends the loan.

(c) This subsection does not require information to be reported regarding a contribution or a loan made before January 1, 2004. In addition to the information required by section 14 of this chapter, the treasurer of a committee must report the following information regarding each individual who has an interest in a person that makes a contribution or extends a loan to the committee:

(1) The full name of the individual.



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- 1 **(2) The full mailing address of the individual.**
- 2 **(3) The individual's occupation, if the person that makes the**
- 3 **contribution or extends the loan makes contributions to the**
- 4 **committee of at least one thousand dollars (\$1,000) during the**
- 5 **calendar year.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1098, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-9-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a)** During a year **before January 1, 2004**, a corporation or labor organization may not make total contributions in excess of:

- (1) an aggregate of five thousand dollars (\$5,000) apportioned in any manner among all candidates for state offices (including a judge of the court of appeals whose retention in office is voted on by a district that does not include all of Indiana);
- (2) an aggregate of five thousand dollars (\$5,000) apportioned in any manner among all state committees of political parties;
- (3) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for the senate of the general assembly;
- (4) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for the house of representatives of the general assembly;
- (5) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the senate of the general assembly;
- (6) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the house of representatives of the general assembly;
- (7) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for school board offices and local offices; and
- (8) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all central committees other than state committees.

(b) This subsection applies to a person other than an individual, a candidate's committee, a regular party committee, a legislative caucus committee, or a political action committee. After December 31, 2003, a person may not make total contributions in excess of:

- (1) an aggregate of five thousand dollars (\$5,000) apportioned in any manner among all candidates for state offices**



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(including a judge of the court of appeals whose retention in office is voted on by a district that does not include all of Indiana);

(2) an aggregate of five thousand dollars (\$5,000) apportioned in any manner among all state committees of political parties;

(3) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for the senate of the general assembly;

(4) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for the house of representatives of the general assembly;

(5) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the senate of the general assembly;

(6) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among regular party committees organized by a legislative caucus of the house of representatives of the general assembly;

(7) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all candidates for school board offices and local offices; and

(8) an aggregate of two thousand dollars (\$2,000) apportioned in any manner among all central committees other than state committees."

Page 4, line 18, after "(c)" insert "**This subsection does not require information to be reported regarding a contribution or a loan made before January 1, 2004.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1098 as introduced.)

MAHERN, Chair

Committee Vote: yeas 8, nays 6.



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HOUSE MOTION

Mr. Speaker: I move that House Bill 1098 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-9-1-25, AS AMENDED BY P.L.176-1999, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) A member of a committee that has appointed a treasurer in accordance with this chapter may solicit or receive contributions as long as the member immediately turns over the contributions without diminution to the treasurer of the committee, to be disbursed and accounted for by the treasurer as provided by this article. The treasurer shall show, in the treasurer's account and statement and in addition to the requirements of IC 3-9-5, through what member of the committee any contributions were received.

(b) A contribution is considered to be received and accepted by a committee when any member of the committee:

- (1) has physical possession of the contribution; and
- (2) manifests an intent to keep the contribution by depositing the contribution, subject to ~~IC 3-9-5-14(c)~~ **IC 3-9-5-14(b)**."

Page 3, line 3, strike "(a) As used in this section, "threshold".

Page 3, strike lines 4 through 9.

Page 3, line 10, strike "(b)" and insert "(a)".

Page 3, line 18, strike "in an".

Page 3, strike line 19.

Page 3, line 20, strike "in actual value to or for the committee,"

Page 5, line 8, strike "(c)" and insert "(b)".

Page 6, after line 5, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2003] (a) **IC 3-9-5-14, as amended by this act, applies to political contributions made after December 31, 2003.**

(b) **This SECTION expires July 1, 2005.**"

(Reference is to HB 1098 as printed February 21, 2003.)

MURPHY

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1098 be amended to read as follows:

Page 1, delete lines 1 through 15.

Page 3, line 18, reset in roman "(a) As used in this section, "threshold".

Page 3, reset in roman lines 19 through 24.

Page 3, line 25, reset in roman "(b)".

Page 3, line 25, delete "(a)".

Page 3, line 33, reset in roman "in an".

Page 3, reset in roman line 34.

Page 3, line 35, reset in roman "in actual value to or for the committee,".

Page 5, line 23, reset in roman "(c)".

Page 5, line 23, delete "(b)".

Page 6, delete lines 21 through 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1098 as reprinted February 28, 2003.)

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